

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 08-CR-10224-DPW
CHRISTOPHER SCOTT,)	
)	
Defendant.)	

GOVERNMENT'S SUPPLEMENTAL SENTENCING MEMORANDUM

The defendant made statements to Secret Service agents after receiving *Miranda* warnings following the execution of a search warrant at his residence on May 7, 2008, but prior to entering into either a proffer or plea agreement in this case. At the request of defense counsel, government counsel agreed that he would endeavor to apprise the Court prior to sentencing of those material facts in the government's statement of facts which the government learned only through statements made by the defendant to law enforcement agents during this period.

Government's Notice With Respect to Rule 11 Hearing, Docket No. 8.

As acknowledged by Scott in the plea agreement into which he subsequently entered on July 7, 2008, no promises, representations or agreements were made to him other than those set forth in the plea agreement and the proffer agreement dated June 3, 2008. Accordingly, nothing restricts the use for the purpose of sentencing of statements made by him before the parties entered into the proffer and plea agreements, including statements made by him at the time his house was searched. In addition, these facts have since been confirmed in material part by the statements of one or more coconspirators. Statements made by Scott under the protection accorded by the plea and/or proffer agreements have been so identified.

The government submitted two statements of fact to Probation with respect to Scott.

Each was annotated in this regard, but not all of the annotations have been carried through in the statement of facts contained in the Presentence Report. Accordingly, attached to this Supplemental Memorandum is a partially redacted¹ and paired back version of the government's statement of facts, containing the complete set of annotations.

Respectfully Submitted,

CARMEN M.,. ORTIZ
United States Attorney

By: /s/ Stephen P. Heymann
STEPHEN P. HEYMANN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Stephen P. Heymann
STEPHEN P. HEYMANN
Assistant United States Attorney

Date: March 21, 2010

¹ "J.J.'s" and "J.W.'s" names have been replaced by their initials.